

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BOBBY CORTEZ,

Plaintiff,

Civil Action No. 2:15-cv-11071

vs.

HON. BERNARD A. FRIEDMAN

STATE OF TEXAS,

Defendant.

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**OPINION AND ORDER TRANSFERRING PLAINTIFF'S CIVIL RIGHTS
COMPLAINT TO THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS**

On March 18, 2015, plaintiff Bobby Cortez, who is incarcerated at a correctional facility in Huntsville, Texas, filed a prisoner civil rights complaint. In his summary pleading, plaintiff seems to raise claims regarding a state conviction or charge occurring in Fort Worth, Texas. Plaintiff does not allege any connection between his case and the Eastern District of Michigan.

The federal venue statute, 28 U.S.C. § 1391(b), requires that a civil action, other than one based on diversity jurisdiction, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court "in the interest of justice." 28 U.S.C. § 1406(a). Venue may be raised by the court sua sponte. *Schultz v. Ary*, 175 F. Supp. 2d 959, 964 (W.D. Mich. 2001).

In the instant case, plaintiff alleges that the events noted in the complaint took place in Fort Worth, Texas, which lies within the venue of the Northern District of Texas. Therefore, the Court finds that the interests of justice warrant transferring this action to the judicial district where venue is proper. *See* 28 U.S. C. § 1406(a). Accordingly,

IT IS ORDERED that the Clerk shall transfer this action to the United States District Court for the Northern District of Texas. The Clerk shall close the file.

S/ Bernard A. Friedman
Hon. Bernard A. Friedman
Senior United States District Judge

Dated: April 6, 2015